

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 1942, 2152

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY (“HTA”)

Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

**This Notice relates only to HTA
and shall be filed in the lead Case
No. 17 BK 3283-LTS and Case
No. 17 BK 3567-LTS.**

Re: ECF No. 345, 362

JOINT URGENT MOTION SEEKING FURTHER EXTENSION OF DEADLINES

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) as the entity authorized to act on behalf of the Puerto Rico Highways and Transportation Authority (“HTA”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Extending Deadlines Under Order Scheduling Briefing in Connection with Notice of Compliance and Petition for Payment of Funds* [Case No. 17 BK 3567-LTS, ECF No. 362] (the “Extension Order”).²

Request for Relief

1. On December 7, 2017, Adrián Mercado Jiménez (“Movant”) filed the *Notice of Compliance and Petition for Payment of Funds* [Case No. 17 BK 3567-LTS, ECF No. 345] (the “Motion”), which requests the payment of \$16,448 allegedly owed to Movant pursuant to a settlement agreement between Movant and the HTA dated December 9, 2016.

2. On December 8, 2017, the Court entered the *Order Scheduling Briefing in Connection with Notice and Compliance and Petition for Payment of Funds* [Case No. 17 BK 3283-LTS, ECF No. 1942] (the “Scheduling Order”), which provides that opposition papers to the Motion must be filed by December 22, 2017, and Movant’s reply papers must be filed by December 29, 2017.

3. On December 22, 2017, the Court entered the Extension Order, which extended the deadlines set forth in the Scheduling Order and ordered oppositions to the Motions due January 12, 2018, and Movant’s reply due January 19, 2018.

² The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this motion on behalf of HTA.

4. HTA is continuing to analyze the Motion and it remains HTA's hope that the parties can reach a consensual resolution of the Motion and thus, HTA and Movant have agreed to the following extensions of the deadlines set forth in the Extension Order:

- The deadline to file oppositions to the Motion shall be extended to **January 22, 2018**.
- The deadline for Movant to file a reply to any oppositions shall be extended to **January 29, 2018**.

5. Pursuant to Paragraph 1.H of the *Third Amended Notice, Case Management and Administrative Procedures* (Case No. 17 BK 3283-LTS, ECF No. 1512-1) (the "Case Management Procedures"), the parties hereby certify that they have carefully examined the matter and concluded that there is a true need for an urgent motion; have not created the urgency through any lack of due diligence; have made a bona fide effort to resolve the matter without a hearing; have made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and have conferred with counsel for the Oversight Board, and no party opposes the relief requested herein.

Notice

6. HTA has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice

³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

7. HTA submits that, in light of the nature of the relief requested, no other or further notice need be given.

Prior Motions

8. HTA previously requested a consensual extension of the deadlines in the Scheduling Order pursuant to the *Joint Urgent Motion Seeking Extension of Deadlines* [Case No. 17 BK 3567-LTS, ECF No. 361].

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WHEREFORE, the parties respectfully request the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: January 12, 2018
San Juan, Puerto Rico

Respectfully submitted,

/s/ Peter Friedman
John J. Rapisardi
Suzanne Uhland
(Admitted *Pro Hac Vice*)
O'MELVENY & MYERS LLP
7 Times Square
New York, NY 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

Peter Friedman
(Admitted *Pro Hac Vice*)
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

*Attorneys for the Puerto Rico Fiscal Agency
and Financial Advisory Authority*

/s/ Andrés W. López
Andrés W. López
USDC No. 215311
**THE LAW OFFICES OF
ANDRÉS W. LÓPEZ, P.S.C.**
902 Fernández Juncos Ave.
San Juan, PR 00907
Tel: (787) 294-9508
Fax: (787) 294-9519

*Co-Attorney for the Puerto Rico Fiscal Agency
and Financial Advisory Authority*

Respectfully submitted,

/s/ Juan B. Soto Balbas
Juan B. Soto Balbas
USDC-PR-130305
JUAN B. SOTO LAW OFFICES, PSC
1353 Ave. Luis Vigoreaux
PMB 270
Guaynabo, P.R. 00966
Tel.: (787) 273-0611
Cel: (787) 370-6197
Fax: (787) 273-1540
E-mail: jsoto@jbsblaw.com

Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

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Title III

No. 17 BK 3567-LTS

**This Notice relates only to HTA
and shall be filed in the lead Case
No. 17 BK 3283-LTS and Case
No. 17 BK 3567-LTS.**

Re: ECF No. ____

**SECOND ORDER EXTENDING DEADLINES UNDER
ORDER SCHEDULING BRIEFING IN CONNECTION WITH NOTICE
OF COMPLIANCE AND PETITION FOR PAYMENT OF FUNDS**

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.

Upon the *Joint Urgent Motion Seeking Further Extension of Deadlines* (the “Second Extension Motion”);² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Second Extension Motion is in the best interests of HTA and Movant; and the Court having found that HTA provided adequate and appropriate notice of the Second Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Second Extension Motion; and the Court having determined that the factual bases set forth in the Second Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Second Extension Motion is granted as set forth herein.
2. The deadline to file oppositions to the *Notice of Compliance and Petition for Payment of Funds* [Case No. 17 BK 3567-LTS, ECF No. 345] shall be extended to **January 22, 2018.**
3. The deadline for Movant to file a reply to any oppositions shall be extended to **January 29, 2018.**

Dated: _____, 2018

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Second Extension Motion.